

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of)
)
Revision of the Commission's Rules to Ensure)
Compatibility with Enhanced 911 Emergency) CC Docket No. 94-102
Calling Systems)
)
Petition for Reconsideration by the Association of)
Public-Safety Communications Officials-)
International, Inc.)

ORDER

Adopted: November 7, 2003

Released: November 7, 2003

By the Chief, Wireless Telecommunications Bureau:

1. On September 20, 2000, the Association of Public-Safety Communications Officials-International, Inc. (APCO) requested reconsideration of the Commission's decision to grant VoiceStream Wireless Corporation (hereinafter, T-Mobile)¹ a waiver of certain Enhanced 911 (E911) requirements under the Commission's rules.² For the reasons set forth below, we dismiss APCO's Petition as moot.

2. On September 8, 2000, the Commission granted T-Mobile a temporary, conditional waiver of the E911 Phase II rules to implement a hybrid network and handset-based technology called Enhanced Observed Time Difference of Arrival across its Global System for Mobile Communications (GSM) network.⁶ APCO sought reconsideration of the *Waiver Order*, arguing that the waiver of the Commission's E911 rules was unsupported by the record, established a dangerous precedent, and should not have been granted without public notice and opportunity for comment.⁷

3. On December 21, 2001, T-Mobile filed a request for modification of its waiver, proposing a new deployment schedule for its GSM network.⁸ Subsequently, on February 28, 2002, T-

¹ T-Mobile is the successor to VoiceStream Wireless Corporation.

² See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Petition for Reconsideration of VoiceStream Waiver, filed September 20, 2000 (Petition). See also Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 17442 (2000) (*Waiver Order*).

⁶ See *Waiver Order*, generally.

⁷ See Petition at 3.

⁸ VoiceStream Wireless Corporation Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Dec 21, 2001).

Mobile amended its modification request.⁹ On December 13, 2002, the Bureau issued an Order dismissing T-Mobile's request and referring certain issues regarding T-Mobile's compliance with the E911 Phase II rules on its GSM network to the Enforcement Bureau.¹⁰

4. Thereafter, on July 17, 2003, the Commission released an Order approving a Consent Decree terminating an investigation into possible violation of the E911 Phase II rules by T-Mobile with respect to its GSM network and establishing a new timeline for deployment of network-based technology within its GSM network.¹¹ Subsequently, on October 24, 2003, APCO filed a letter requesting the withdrawal of its Petition on the grounds that the *Consent Decree* had rendered the Petition moot.¹² In view of this filing, and because the Commission stated that the *Consent Decree* would supercede the *Waiver Order* and that "the requirements contained [in the *Waiver Order*] and such Order and requirements shall be of no force or effect,"¹⁵ we dismiss APCO's Petition as moot.

5. Accordingly, **IT IS ORDERED THAT**, pursuant to Sections 4(i) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c), and the authority delegated pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331, APCO's Withdrawal Request, filed October 24, 2003, **IS GRANTED**, and its Petition for Reconsideration, filed September 20, 2000, **IS DISMISSED** as moot.

FEDERAL COMMUNICATIONS COMMISSION



John B. Muleta
Chief, Wireless Telecommunications Bureau

⁹ VoiceStream Wireless Corporation Amended Request for Limited Modification of E911 Phase II Implementation Plan, CC Docket No. 94-102 (filed Feb. 28, 2002)

¹⁰ *Dismissal Order*, 17 FCC Rcd 24908 (2002)

¹¹ In the Matter of T-Mobile USA, Inc. File No. EB-02-TS-012, *Order*, 18 FCC Rcd 15123 (2003) (*Consent Decree*)

¹² See Letter from Robert M. Gurss, APCO International, to John Muleta, Wireless Telecommunications Bureau, Federal Communications Commission, CC Docket No. 94-102 (filed October 24, 2003) (Withdrawal Request)

¹⁵ *Id.* at para. 15